

with proclamations under 4 H. 7, c. 24, if any of the proclamations were made on the Lord's day all the proclamations were void for the justices may not sit upon that day, but the fine itself was good as a fine without proclamations at common law, and was a discontinuance, *Fish v. Broket*, Plow. 265. So an indictment cannot be taken on Sunday, *Dakin's case*, 2 Wms. Saund. 290 b; nor can a writ of inquiry be executed on a Sunday, and the Court is bound to look at the almanack, for the calendar is part of the law of the land, *Hoyle v. Lord Cornwallis*, 1 Str. 387; *Kilgour v. Miles*, 6 G. & J. 268;² so where a writ of *scire facias* out of the C. P. on a recognizance bore *teste* on Sunday, it was adjudged error, because that is not *dies juridicus in banco*, *Barret v. Cleydon*, 2 Dy. 168 a. But it is to be observed, that there is no difference between Sunday and any other day as to the return of a writ, *Fano v. Coken*, 1 H. Black. 9.

Arrests.—A party guilty of any indictable offence may be apprehended on a Sunday, whether such offence involve an actual or only a constructive breach of the peace, *Rawlins v. Ellis*, 16 M. & W. 172, which was a case of conspiracy; for the officer cannot know whether an *actual* or *constructive* breach of the peace has been committed. So "bail," said the Court in *Anon.* 6 Mod. 231, "have their principal always upon a string, and may pull the string whenever they please, and render him in their own discharge; they may take him up even upon a Sunday and confine him till next day, and then render him," *sed vide* *Brookes v. Warren*, 2 W. Black. 1273.

As the Statute makes all the arrests mentioned in it unlawful, the killing of an officer, who endeavours unlawfully to arrest a person on Sunday, is not murder but only manslaughter, 1 Hawk. P. C. 130. And as the Statute makes such arrests void to all intents and purposes, it has been held from the earliest times, that the party might have an action for false imprisonment for an arrest on Sunday, *Wilson v. *Tucker*, 1 **563** Salk. 78; S. C. 5 Mod. 95. Since the abolishment of imprisonment for debt, the occasions for the use of this Statute in this matter of arrest on civil process have ceased, but it may be convenient to set down the decisions upon it.

may be made to strike it out and have it entered as of another day, and an appeal lies from the court's refusal to do so. *Ecker v. First Bank*, 62 Md. 519.

An inquest held by a coroner's jury and the commitment by the coroner or magistrate of an accused to jail are rather ministerial than judicial acts and are not void because done on Sunday. The verdict of a jury may be lawfully rendered and received on Sunday. *Blaney v. State*, 74 Md. 157.

Rent may be lawfully paid by a tenant on Sunday. If due on that day and unpaid, it is in arrear the following Monday and the landlord may distrain. *Child v. Edwards*, (1909) 2 K. B. 753.

² *P. W. & B. R. R. Co. v. Lehman*, 56 Md. 209; *Ecker v. First Bank*, 64 Md. 292. Sunday embraces all of the twenty-four hours next ensuing the midnight of Saturday. *P. W. & B. R. R. Co. v. Lehman supra*.